

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VENTAS REALTY, LIMITED)	
PARTNERSHIP,)	
)	
Plaintiff,)	
)	No.: 12-cv-3107
v.)	
)	Judge Ronald A. Guzman
ALC CVMA, LLC, ALC GGMG, LLC,)	
ALC HTIF, LLC, ALC PEDG, LLC, ALC)	Magistrate Judge Sidney I. Schenkier
TPCG, LLC, ALC TISSC, LLC, ALC)	
TSKG, LLC, ALC WRWG, LLC, and)	
ASSISTED LIVING CONCEPTS, INC.,)	
)	
Defendants.		

**VENTAS REALTY, LIMITED PARTNERSHIP'S
MOTION FOR EXPEDITED DISCOVERY**

Plaintiff Ventas Realty, Limited Partnership ("Ventas"), by its attorneys, respectfully moves this Court for leave to conduct limited expedited discovery. As more fully discussed in the accompanying memorandum, the requested relief is appropriate under the circumstances.

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff leave to serve the discovery requests attached hereto as **Exhibits 1 and 2** and order Defendants to respond to Plaintiff's discovery on or before May 22, 2012. Plaintiff further requests that Defendants designate one or more officers, directors or managing agents as a deponent on or before May 22, 2012 and present the designated deponent for a deposition on or before May 25, 2012 to testify on the matter designated in **Exhibit 3**.

Dated: May 15, 2012

Respectfully submitted,

VENTAS REALTY, LIMITED PARTNERSHIP

By: /s/ Roger H. Stetson
One of Its Attorneys

Roger H. Stetson
John W. Roberts
Brandon Prosansky
Rupa Rajagopalan
BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG LLP
200 West Madison Street, Suite 3900
Chicago, Illinois 60606
Tel: (312) 984-3100

CERTIFICATE OF SERVICE

I, Roger Stetson, an attorney, hereby certify that on May 15, 2012, service of a copy of the foregoing Motion for Expedited Discovery was accomplished pursuant to ECF as to Filing Users upon the following:

Leonard S. Shifflett
Quarles & Brady LLP
300 North LaSalle Street
Suite 4000
Chicago, Illinois 60654

/s/ Roger Stetson

Roger Stetson

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
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ASSISTED LIVING CONCEPTS, INC.,)	
)	
Defendants.		

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS

Plaintiff Ventas Realty, Limited Partnership ("Ventas"), by and through its attorneys, pursuant to Rule 33 of the Federal Rules of Civil Procedure and this Court's Order granting expedited discovery, propounds the following Interrogatories upon Defendants, to be answered on or before May 22, 2012.

DEFINITIONS AND INSTRUCTIONS

- A. "VENTAS" means Plaintiff Ventas Realty, Limited Partnership and its past and present officers, directors, members, attorneys, employees, and agents, and anyone affiliated with it in any capacity or acting or purporting to act on its behalf.
- B. "ALC" means Assisted Living Concepts, Inc.
- C. "SEC" means United States Securities and Exchange Commission.
- D. "FIRST FORM 8-K" means ALC's Form 8-K filed with the SEC on May 4, 2012.

E. “SECOND FORM 8-K” means ALC’s Form 8-K filed with the SEC on May 14, 2012.

F. “PERSON” means any natural person, firm, partnership, joint venture, corporation, or any juridical person, or any other legal entity.

G. “DOCUMENTS” means writings, books, records, memoranda, papers, films, recordings, accounts, drawings, graphs, charts, photographs, phone records, electronically stored information, computer records, electronic mail, electronic files, and other data compilations from which information can be obtained.

H. “COMMUNICATION” means any transmission of information whether face to face, by telephone, by telecopy, by letter, by telex, by cable, by facsimile, by electronic mail, by electronic means, or by any other means whereby thought, opinions, facts, or other matters are transmitted between two or more persons.

I. “RELATING TO” or “RELATED TO” means, without limitation, discuss, describe, reflect, deal with, pertain to, analyze, evaluate, estimate, constitute, study, project, assess, record, summarize, criticize, report, comment, or otherwise involve, in whole or in part.

J. “IDENTIFY” means the following:

- a. For a person, the person’s full name, address, and telephone number;
- b. For a document, the date the document was prepared, the name and address of the person who prepared the document, the person to whom the document was addressed, the length of the document, and the general nature of the document; and
- c. For a communication, the date and time when the communication took place, the place where the communication took place, the method by which the communication took place, the persons who participated in the communication, the persons present during the communication, and the information exchanged during the communication.

K. The words “AND” as well as “OR” shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request all documents or things which might otherwise be construed to be outside its scope.

L. In answering these interrogatories, YOU are required to provide all information that is available to YOU, including information in the possession of YOUR attorneys, and not merely information known of YOUR own personal knowledge. If YOU cannot answer the interrogatory in full, answer to the extent YOU are able to do so, state the reason for YOUR inability to answer further, and state the knowledge or information available to YOU concerning the unanswered portion.

M. If YOU claim that any information sought by these interrogatories or requests is protected from disclosure by the attorney-client privilege, the work product doctrine, or any other privilege, YOU are required to identify such information by subject matter and to state with particularity the facts and legal grounds which YOU believe prevent the disclosure of the information.

N. Ventas reserves its right to propound additional interrogatories during the course of this litigation.

INTERROGATORIES

INTERROGATORY NO. 1:

State the “possible irregularities” ALC is investigating in connection with the Amended and Restated Master Lease Agreement, as stated in the First Form 8-K, and, state all facts and identify all documents, communications, and persons with knowledge, relating to such irregularities.

ANSWER:

INTERROGATORY NO. 2:

State the subject matter of the “ongoing internal investigation” referenced in the Second Form 8-K, and, state all facts and identify all documents, communications, and persons with knowledge, relating to the subject matter of the investigation.

ANSWER:

Dated: May 15, 2012

Respectfully submitted,

VENTAS REALTY, LIMITED PARTNERSHIP

By: /s/ Roger H. Stetson
One of Its Attorneys

Roger H. Stetson
John W. Roberts
Brandon Prosansky
Rupa Rajagopalan
BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG LLP
200 West Madison Street, Suite 3900
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EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
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ASSISTED LIVING CONCEPTS, INC.,)	
)	
Defendants.		

**PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION
OF DOCUMENTS TO DEFENDANTS**

Plaintiff Ventas Realty, Limited Partnership ("Ventas"), by and through its attorneys, pursuant to Rule 34 of the Federal Rules of Civil Procedure and this Court's Order granting expedited discovery, hereby requests that Defendants produce all documents requested for inspection by Plaintiff at the offices of Barack Ferrazzano Kirschbaum & Nagelberg LLP, 200 West Madison St., Suite 3900, Chicago, Illinois 60606 on or before May 22, 2012.

DEFINITIONS AND INSTRUCTIONS

A. "VENTAS" means Plaintiff Ventas Realty, Limited Partnership and its past and present officers, directors, members, attorneys, employees, and agents, and anyone affiliated with it in any capacity or acting or purporting to act on its behalf.

B. "ALC" means Assisted Living Concepts, Inc.

- C. “SEC” means United States Securities and Exchange Commission.
- D. “FIRST FORM 8-K” means ALC’s Form 8-K filed with the SEC on May 4, 2012.
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F. “DOCUMENTS” means writings, books, records, memoranda, papers, films, recordings, accounts, drawings, graphs, charts, photographs, phone records, electronically stored information, computer records, electronic mail, electronic files, and other data compilations from which information can be obtained.

G. “RELATING TO” or “RELATED TO” means, without limitation, discuss, describe, reflect, deal with, pertain to, analyze, evaluate, estimate, constitute, study, project, assess, record, summarize, criticize, report, comment, or otherwise involve, in whole or in part. A document “relates” to the subject matter of the request if the subject matter of the document is then identified in the request or if the document describes, refers to, serves as a basis for, is derived from, is produced as the result of, incorporates, suggests, relies upon, is part of, or in any other way logically be connected to the subject matter of the inquiry.

H. All documents originating in an electronic form are to be produced in their native format or otherwise in a format compatible with standard litigation document management database software (e.g., Clearwell), with intact metadata fields, OCR images, and appropriate corresponding load files to be mutually agreed to by the parties. Defendants reserve their rights to request electronic documents in their native format and all electronic documents should be preserved in their native format. Documents which exist in hard copy form only may be converted to electronic form and produced in the same manner as electronic documents set forth above.

I. The requested documents include all attachments, envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s) requested. If the specific document elicited a response, that response is also to be identified and produced. If the document was itself a response, the document to which it is responding is also to be identified and produced.

J. Ventas reserves its right to serve additional requests for production of documents during the course of this litigation.

DOCUMENTS REQUESTED

1. All documents relating to the “possible irregularities” ALC is investigating in connection with the Amended and Restated Master Lease Agreement, as stated in the First Form 8-K.

2. All documents relating to the “ongoing internal investigation” disclosed on page 4 of the Second Form 8-K.

3. All documents identified by You in response to Plaintiff’s First Set of Interrogatories to Defendants.

Dated: May 15, 2012

Respectfully submitted,

VENTAS REALTY, LIMITED PARTNERSHIP

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One of Its Attorneys

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EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
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TPCG, LLC, ALC TISSC, LLC, ALC)	
TSKG, LLC, and ALC WRWG, LLC,)	
)	
Defendants.)	

NOTICE OF DEPOSITION OF ASSISTED LIVING CONCEPTS, INC.

Please take notice that Plaintiff Ventas Realty, Limited Partnership ("Ventas") will take the deposition of Defendant Assisted Living Concepts, Inc. ("ALC") pursuant to Fed. R. Civ. P. 30(b)(6) at 9:00 a.m. on May 25, 2012. The deposition will take place at the offices of Quarles & Brady LLP 411 E. Wisconsin Ave. Milwaukee, WI 53202. Pursuant to Rule 30(b)(6), ALC is required to designate one or more persons who shall testify knowledgeably about the subjects listed on the attached **Exhibit A**. The deposition will be recorded by videotape and/or stenographic means.

Dated: May 15, 2012

Respectfully submitted,

VENTAS REALTY, LIMITED PARTNERSHIP

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One of Its Attorneys

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EXHIBIT A

MATTERS FOR WHICH EXAMINATION IS REQUESTED

1. The “possible irregularities” ALC is investigating in connection with the Amended and Restated Master Lease Agreement between Ventas and the ALC Entities as referenced in ALC’s May 4, 2012 Form 8-K filing.
2. The subject(s) of the ongoing internal investigation as referenced in ALC’s May 14, 2012 Form 8-K filing.
3. The activities or conduct of ALC personnel at the Peachtree Estates facility during the period of May 3, 2012 through the present.